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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION ATTACHMENT TO PAPER NO. 20081104

Response to Arguments

Applicant's arguments filed on 10/30/08, with respect to claims 1, 8 and 15, have been

fully considered but they are not persuasive. Applicant states that during a telephonic interview,

a discussion in regards to the rejection of claims 1-3, 8-10, 15-17, 21-26 under 35 USC 103 (a) in

regards to Garza et al in view of Kamon is in error, examiner agreed to an interpretation, and

inadequacy of the teaching within Kamon (see pg. 1, last paragraph, pg. 2, third paragraph). This

statement is inaccurate since the Examiner did not agree that the rejection was in error or to any

specific interpretation of the claim limitations in regards to claims 1, 8, and 15 as shown in the

interview summary dated 10/28/08. The Examiner's interview summary specifically states, "no

agreement was reached in terms of claim limitations or interpretations of claim 1" (Interview

Summary dated 10/28/08). Furthermore, it is the opposite, where claims 1-3, 8-10, 15-17, 21-26,

under 35 USC 103 (a) in regards to Garza et al in view of Kamon, stand properly rejected as

meeting all the limitations as further elaborated below.

Regarding claims 1, 8, and 15, applicant argues that the Kamon reference does not teach

a different test standard applied to distinct areas of the pattern (see pg. 2, second paragraph).

This argument is not considered persuasive since the Kamon reference discloses a different test

standard is applied to distinct areas of the pattern in fig. 6, col. 6, lines 34-53, where the

compression unit 2 may divide the design into a plurality of data blocks 6a to 6i as shown in

figure 6 so that optical proximity correction is performed separately for each of the data blocks;

this technique allows each data block to be corrected separately and thus makes it possible to

independently perform light proximity correction on a plurality of data blocks. The correction

process is taught in col. 5, lines 33-47 where determination unit 7 determines whether the

correction amount is within the predefined allowable range, if the correction amount is not

within the allowable range, it is considered that the correction is not good enough, and thus the

process returns to step S2 so as to calculate the projection image again and correct the data again

in steps S3 to S5; Steps S2 to S6 are performed repeatedly until the correction value falls within

the allowable range, hence a different test standard is applied to each independent data block. It

is clearly seen in these two passages within Kamon that the reference discloses utilizing a

different test standard from one plurality data block to the next as optical proximity correction is

performed on different/distinct areas of the design data/image. Applicant argues that Kamon

teaches a second test standard that is applied to a pattern only when a first test standard fails to

yield the desirable result (see pg. 2, second paragraph). This argument is not considered

persuasive since the purpose of the Kamon reference is to disclose a correction process that has

iterations that are able to be executed which produce different test standards. Furthermore,

applicant can not restrict the secondary teaching to one scenario to suit the applicant's argument.

If a secondary teaching provides a scenario or instance where the claim limitations are met then

the scenario is valid. Lastly, the claim limitation does not restrict the prior of record to choose

one scenario over another as applicant is clearly intending to do so.

Furthermore, the applicant argues that there is no apparent distinction between the areas

to which the test standards would be applied (see pg. 2, second paragraph). This argument is not

considered persuasive since the limitation is clearly disclosed within Kamon in fig. 6, col. 6,

lines 34-53, where the compression unit 2 may divide the design into a plurality of data blocks 6a

to 6i as shown in figure 6 so that optical proximity correction is performed separately for each of the data blocks; this technique allows each data block to be corrected separately and thus makes it possible to independently perform light proximity correction on a plurality of data blocks.

Regarding claims 2-7, 9-14, and 16-20, applicant argues that the claims are allowable due to the dependency and for the same reasons as stated for claims 1, 8, or 15, respectively (see pg. 2, fourth paragraph). This argument is not considered persuasive since claims 1, 8, and 15 stand rejected and the arguments and rejection can be seen above.

Regarding claims 4, 5, 11, 12, 18, 19, applicant argues that the claims are allowable due to the dependency and for the same reasons as stated for claims 1, 8, or 15, respectively (see pg. 2, last paragraph). This argument is not considered persuasive since claims 1, 8, and 15 stand rejected and the arguments and rejection can be seen above.

Regarding claims 6, 7, 13, 14, 20, applicant argues that the claims are allowable due to the dependency and for the same reasons as stated for claims 1, 8, or 15, respectively (see pg. 3, second paragraph). This argument is not considered persuasive since claims 1, 8, and 15 stand rejected and the arguments and rejection can be seen above.